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EXAMINER

SANDERS, ALLYSON N

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/628,567

Applicant(s)

LIU ET AL.

Examiner

Allyson N Sanders

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-15 is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Amendment***

1. Receipt is acknowledged of the Amendment filed October 4, 2002.

### ***Response to Remarks***

2. On page 5 of the remarks, the applicant defines how the claimed invention is distinguished from the prior art made of record. Applicant states that Price et al (however in the remarks, the applicant uses the name Pine et al) does not teach, suggest, or make obvious an interactive POS (iPOS) transaction system (claims 1 and 13) in the sense that a customer-response unit interacts with the customer by serving up content. The "iPOS" is not clearly defined in the claims, nor is "serving up content". The claim is broad and can be interpreted many ways. However, the applicant states in his remarks that the customer-interaction circuit (claims 1 and 13) is an interactive point of sale transaction system in which a customer-response unit interacts with the customer by serving up content. The applicant further defines the content, which is served up, to mean advertising, promotions or surveys that are targeted to the specific customer. With this definition of "customer-interaction circuit" and "serving up content", the examiner has added an additional reference of prior art, which teaches the defined interactive POS terminal which serves up content to the customer.

### ***Claim Objections***

3. Claim 9 is objected to because of the following informalities:

Re claim 9, line 2: replace "iidentification" with --identification--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by DeLapa et al (6,076,068).

Regarding claim 1, a POS transaction system comprising: a keypad; a circuit for serving up content to the customer; and a link, communicatively connecting the keypad and the customer-interaction circuit is disclosed.

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“According to another aspect of the invention, the kiosk is capable of formatting messages which incorporate key words. The key words are derived from an attribute of the household from the household file for the user identified at the kiosk. This not only allows messages to be personalized to the particular user, but also allows specialized communication with the user.” (Col. 4, lines 65-4).

"Each kiosk 24 includes a kiosk computer 25, a display device, such as a touch-screen monitor 26, which is capable of displaying messages to the user and receiving input selections from a user, a printer 28, which prints coupons, and a user identification device, such as a scanner 29, which identifies users. In the illustrated embodiment, scanner 29 scans the bar code on a frequent shopper card, the bar code being unique to a particular household to whom the card has been issued. However, alternate means may be provided to identify the user/household, such as by receiving an identification number, such as a telephone number through touch screen 26, a magnetic strip reader, an optical character recognition reader, a Smart Card reader, a voice recognition device, a handprint recognition device, a mechanical keypad, or any such device capable of providing user identification." (Col. 7 and 8, lines 59-7).

Although DeLapa et al fails to specifically state that a "circuit" is used to serve up data to a customer, DeLapa et al teaches printing coupons for the customer that are specific to each customer. The printer that is used to serve up data must contain a circuit, as all printers do.

Regarding claim 2, the transaction system of claim 1, wherein the keypad comprises a keypad for interacting with a cashier; and wherein the customer-interaction circuit comprises a circuit for interacting with the customer and not the cashier is disclosed.

See DeLapa et al's teachings regarding claim 1. The kiosk taught by DeLapa et al prints coupons only for the customer and not for the cashier. Additionally, the cashier can interact with the keypad.

Regarding claim 3, the transaction system of claim 1, wherein the link comprises a link for communicating a dollar amount of a transaction between the keypad and the customer-interaction circuit is disclosed.

DeLapa et al teaches a touch screen. The screen is capable of showing the total amount of the purchase. Furthermore, the screen or display is connected with the printer that provides the costumer with the served up information.

Regarding claim 4, the transaction system of claim 1, wherein the keypad comprises a display is disclosed.

See DeLapa et al's teachings in regards to claim 1.

Regarding claim 5, the transaction system of claim 1, wherein the customer-interaction circuit comprises accessories including one from the following set of accessories: smart-card reader, magnetic-strip reader and biometric-information circuit, check reader and receipt printer is disclosed.

See DeLapa et al's teachings in regards to claim 1.

Regarding claim 6, the transaction system of claim 1, wherein the customer-interaction circuit comprises a port for connecting via a communications link to a remote service provider is disclosed.

DeLapa et al teaches the following in regards to claim 6:

"The targeted coupon is selected from the coupon database as a function of an attribute of that household in the household record for that household. Assignment of targeted coupons to households may occur remotely from the kiosk, or kiosks, with a communication link, such as a local area network or a wide area network utilized to link

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the kiosk, or kiosks, with the computer assigning the targeted coupons which may, for example, be a network server. When a user household is identified at one of the kiosks, any coupons assigned to the identified household are formatted and outputted by the kiosk.” (Col. 4, lines 9-19).

Regarding claim 7, the transaction system of claim 1, wherein the transaction system comprises only one port for connecting via a communications link to any remote service provider is disclosed.

See DeLapa et al's teachings in regards to claim 6. The kiosk has the capability of connecting to a wide area network. Therefore, it also has the capability of connecting to any other remote service provider.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLapa et al in view of Price et al (5,561,282).

DeLapa et al's teachings are discussed above.

DeLapa et al fails to teach the following: a virtual PIN pad, virtual paper, and a signature capturing device.

Regarding claim 8, the transaction system of claim 1, wherein the customer-interaction circuit comprises a virtual PIN pad is disclosed.

Price et al teaches the following in regards to claim 8:

“Furthermore, a merchant's existing POS equipment may be connected to peripheral devices, such as check readers for automatically reading checking account data and PIN pads, which are used to input a debit card user's personal identification number (PIN).” (Col. 3, lines 8-13).

Regarding claim 9, the transaction system of claim 8, wherein the customer-interaction circuit is programmed to capture a personal identification number (PIN) by means of the virtual PIN pad is disclosed.

See Price et al's teachings in regards to claim 8.

Regarding claim 10, the transaction system of claim 1, wherein the customer-interaction circuit comprises virtual paper is disclosed.

Price et al teaches the following in regards to claim 10:

“Each electronic cash register also may include a display or printer capable of producing a facsimile signature corresponding to the digitized signature signals.” (Col. 3 and 4, lines 67-2).

Regarding claim 11, the transaction system of claim 10, wherein the customer-interaction circuit is programmed to capture a signature by means of the virtual paper is disclosed.

See Price et al's teachings in regards to claim 11.



Regarding claim 12, a point of sale comprising: a cash register; and the transaction system of claim 1, wherein the cash register and the transaction system are co-located but are not communicatively coupled is disclosed.

Price et al teaches the following in regards to claim 12:

“In addition to a cash register, merchants that accept credit cards use other POS equipment to collect data associated with the credit card. This equipment usually includes electronic terminals that read the account number and expiration date from a magnetic stripe on the credit card and transmit the transaction data to the credit card processor. Such equipment may be separate from, or integrated into, the cash register equipment.” (Col. 2, lines 6-13).

In view of DeLapa et al's teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to use the a virtual PIN pad, virtual paper, and signature capturing device taught by Price et al. One would be motivated to include these functions at the POS terminal in order to make the transaction more secure and avoid fraud.

***Allowable Subject Matter***

8. Claims 13-15 are allowable over the prior art of record.
9. The following is an examiner's statement of reasons for allowance:

Although prior art does teach the authorization of a transaction at the POS location, generating a dollar amount for the transaction, and communicating details of the transaction of a remote service provider for authorization, the best prior art of record taken alone or in combination thereof does not teach or fairly suggest the

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specific method for authorization that is set forth in the claims. Prior art fails to teach all of the elements and the order of the method, such as entering the transaction dollar amount into a keypad; then communicating the transaction dollar amount from the keypad to a customer-interaction circuit; then communicating the transaction dollar amount from the keypad to a customer-interaction circuit; then communicating details of the transaction, including the dollar amount, to a remote service provider for authorization; and during the step of entering and both steps of communicating, serving up content to the customer at the customer-interaction circuit. Moreover, one of ordinary skill would not have been motivated to come to the above claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Powell et al (6,317,650), Stockdale et al (6,443,839), and Dejaeger et al (6,456,981), Crooks (5,401,916), and (JP09026492).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson Sanders* whose telephone number is (703) 305-5779. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax phone number for this Group is (703) 308-7722, (703) 308-7724, or (703) 308-7382.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [[allyson.sanders@uspto.gov](mailto:allyson.sanders@uspto.gov)].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Allyson Sanders  
Patent Examiner  
Art Unit 2876  
January 6, 2003

A handwritten signature in black ink, appearing to read 'Karl D. Frech', written in a cursive style.

KARL D. FRECH  
PRIMARY EXAMINER